20486

3269/02 (3)

IN THE M.P.STATE ADMINISTRATIVE TRIBUNAL AT JABALPUR(M.P.)

O.A.NO.3268 OF 2002

Ratan Kumar Gajbhiye,
S/O Late Sri.B.D.Gajbhiye,
aged about 42 years,Forest Ranger,
presently posted as Range Officer
Nawagarh,in East Raipur Forest Divi.
P.O,Nawagarh,Dist.Raipur,CG. ..... APPLICANT

VS

1. State of Chattisgarh, Through
The Secretary Forest Department,
Seceteriate,Raipur (M.G.)

2. Divisional Forest Officer,
East Raipur Forest Division,Raipur
District Raipur,C.G. ..... RESPONDENTS

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL ACT 1985:

(62)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

---

**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

---

**WRIT PETITION (S) NO.2175 OF 2005**

Petitioner : Ratan Kumar Gajbhiye

Versus

Respondents : State of Chhattisgarh and another

---

Present : None appears for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

---

**ORDER**
(Passed on 9th Day of March, 2007)

The petitioner, while working as Range Officer, Nawagarh Forest Range, Forest Division Nawagarh was transferred to Forest Management Information System, Raipur on the same terms and conditions, vide impugned transfer order dated 4-10-2002 (Annexure A-9).

2. The Madhya Pradesh Administrative Tribunal, Jabalpur, vide interim order dated 18-10-2002, granted stay of the impugned transfer order dated 4-10-2002 (Annexure A-9).

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as

(63)

administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Subhash